

SUMMONS - CIVIL

JD-CV-1 Rev. 10-15

C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a,
52-48, 52-259, P.B. §§ 3-1 through 3-21, 8-1, 10-13**STATE OF CONNECTICUT
SUPERIOR COURT**

www.jud.ct.gov

**See other side for instructions**

- ☐ "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- ☒ "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- ☐ "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

| | | | |
|--|---|---|---|
| Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-346, 51-350) 1061 Main Street, Bridgeport, CT 06601 | | Telephone number of clerk (with area code) (203) 579-6527 | Return Date (Must be a Tuesday) _____, 2_____, _____ Month Day Year |
| <input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session | <input type="checkbox"/> G.A. Number: Bridgeport | At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349) Bridgeport | Case type code (See list on page 2) Major: M Minor: 90 |

For the Plaintiff(s) please enter the appearance of:

| | | |
|--|--|--|
| Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code) Pullman & Comley, LLC, 90 State House Square, Hartford, CT 06103 | | Juris number (to be entered by attorney only) 409177 |
| Telephone number (with area code) (860) 424-4300 | Signature of Plaintiff (If self-represented) | |

The attorney or law firm appearing for the plaintiff, or the plaintiff if self-represented, agrees to accept papers (service) electronically in this case under Section 10-13 of the Connecticut Practice Book. ☒ Yes ☐ No

Email address for delivery of papers under Section 10-13 (if agreed to)
egersten@pullcom.com; jkaplan@pullcom.com

Number of Plaintiffs: **1** Number of Defendants: **2** ☐ Form JD-CV-2 attached for additional parties

| Parties | Name (Last, First, Middle Initial) and Address of Each party (Number, Street, P.O. Box, Town, State, Zip, Country, if not USA) | |
|----------------------|---|------|
| First Plaintiff | Name: Procurement, LLC, 828 High Ridge Road, Stamford, CT 06905 Address: | P-01 |
| Additional Plaintiff | Name: Address: | P-02 |
| First Defendant | Name: Gurpreet Ahuja, 827 High Ridge Road, Stamford, CT 06905 Address: | D-01 |
| Additional Defendant | Name: Ahuja Holdings, LLC, 825 High Ridge Road, Stamford, CT 06905 Address: c/o Agent for Service, Robert Martinik, 9 Woods End Road, Darien, CT 06820 | D-02 |
| Additional Defendant | Name: Address: | D-03 |
| Additional Defendant | Name: Address: | D-04 |

Notice to Each Defendant

- 1. YOU ARE BEING SUED.** This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
- To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
- If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
- If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
- If you have questions about the Summons and Complaint, you should talk to an attorney quickly. **The Clerk of Court is not allowed to give advice on legal questions.**

| | | | |
|----------------------------------|--|--------------------------------|-------------|
| Signed (Sign and "X" proper box) | <input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk | Name of Person Signing at Left | Date signed |
|----------------------------------|--|--------------------------------|-------------|

If this Summons is signed by a Clerk:

- The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
- It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
- The Clerk is not permitted to give any legal advice in connection with any lawsuit.
- The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.

For Court Use Only

File Date

| | | | |
|---|-------------------------------------|------|---------------|
| I certify I have read and understand the above: | Signed (Self-Represented Plaintiff) | Date | Docket Number |
|---|-------------------------------------|------|---------------|

Print Form

(Page 1 of 2)

Reset Form

Instructions

1. Type or print legibly; sign summons.
2. Prepare or photocopy a summons for each defendant.
3. Attach the original summons to the original complaint, and attach a copy of the summons to each copy of the complaint. Also, if there are more than 2 plaintiffs or more than 4 defendants prepare form JD-CV-2 and attach it to the original and all copies of the complaint.
4. After service has been made by a proper officer, file original papers and officer's return with the clerk of court.
5. Do not use this form for the following actions:

- (a) Family matters (for example divorce, child support, custody, paternity, and visitation matters).
- (b) Summary process actions.
- (c) Applications for change of name.

- (d) Probate appeals.
- (e) Administrative appeals.
- (f) Proceedings pertaining to arbitration.
- (g) Any actions or proceedings in which an attachment, garnishment or replevy is sought.

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Case Type Codes

| Major Description | Codes Major/Minor | Minor Description | Major Description | Codes Major/Minor | Minor Description |
|-----------------------|-------------------|---|-------------------------------------|-------------------|--|
| Contracts | C 00 | Construction - All other | Torts (Other than Vehicular) | T 02 | Defective Premises - Private - Snow or Ice |
| | C 10 | Construction - State and Local | | T 03 | Defective Premises - Private - Other |
| | C 20 | Insurance Policy | | T 11 | Defective Premises - Public - Snow or Ice |
| | C 30 | Specific Performance | | T 12 | Defective Premises - Public - Other |
| | C 40 | Collections | | T 20 | Products Liability - Other than Vehicular |
| | C 90 | All other | | T 28 | Malpractice - Medical |
| Eminent Domain | E 00 | State Highway Condemnation | | T 29 | Malpractice - Legal |
| | E 10 | Redevelopment Condemnation | | T 30 | Malpractice - All other |
| | E 20 | Other State or Municipal Agencies | | T 40 | Assault and Battery |
| | E 30 | Public Utilities & Gas Transmission Companies | | T 50 | Defamation |
| | E 90 | All other | | T 61 | Animals - Dog |
| Miscellaneous | M 00 | Injunction | | T 69 | Animals - Other |
| | M 10 | Receivership | | T 70 | False Arrest |
| | M 20 | Mandamus | | T 71 | Fire Damage |
| | M 30 | Habeas Corpus (extradition, release from Penal Institution) | | T 90 | All other |
| | M 40 | Arbitration | Vehicular Torts | V 01 | Motor Vehicles* - Driver and/or Passenger(s) vs. Driver(s) |
| | M 50 | Declaratory Judgment | | V 04 | Motor Vehicles* - Pedestrian vs. Driver |
| | M 63 | Bar Discipline | | V 05 | Motor Vehicles* - Property Damage only |
| | M 66 | Department of Labor Unemployment Compensation Enforcement | | V 06 | Motor Vehicle* - Products Liability Including Warranty |
| | M 68 | Bar Discipline - Inactive Status | | V 09 | Motor Vehicle* - All other |
| | M 70 | Municipal Ordinance and Regulation Enforcement | | V 10 | Boats |
| | M 80 | Foreign Civil Judgments - C.G.S. 52-604 & C.G.S. 50a-30 | | V 20 | Airplanes |
| | M 83 | Small Claims Transfer to Regular Docket | | V 30 | Railroads |
| | M 84 | Foreign Protective Order | | V 40 | Snowmobiles |
| | M 90 | All other | | V 90 | All other |
| Property | P 00 | Foreclosure | | | *Motor Vehicles include cars, trucks, motorcycles, and motor scooters. |
| | P 10 | Partition | Wills, Estates and Trusts | W 10 | Construction of Wills and Trusts |
| | P 20 | Quiet Title/Discharge of Mortgage or Lien | | W 90 | All other |
| | P 30 | Asset Forfeiture | | | |
| | P 90 | All other | | | |

| | | |
|-------------------------|---|----------------------|
| RETURN DATE: | : | SUPERIOR COURT |
| | : | |
| PROCUREMENT, LLC | : | JUDICIAL DISTRICT OF |
| | : | FAIRFIELD |
| | : | |
| VS. | : | AT BRIDGEPORT |
| | : | |
| GURPREET AHUJA | : | |
| AND AHUJA HOLDINGS, LLC | : | FEBRUARY 3, 2016 |

COMPLAINT

FIRST COUNT: Common Law Vexatious Litigation against Gurpreet Ahuja

1. Plaintiff Procurement, LLC (“Procurement” or “Plaintiff”) is a Connecticut limited liability company with its principal place of business in Stamford, Connecticut. Procurement purchased properties located at 808, 812, 816, 820, and 826 High Ridge Road and 11 Maplewood Place, Stamford, Connecticut, for the purpose of developing the properties into a day care center and other commercial uses (the “Project”).

2. Defendant Gurpreet Ahuja is the former wife of Ajay Ahuja but still resides in the same home with him at 827 High Ridge Road, Stamford, Connecticut. Gurpreet Ahuja is also the mother of Nicholas Ahuja. Ajay Ahuja and Nicholas Ahuja own Defendant Ahuja Holdings, LLC (“Ahuja Holdings”) and had submitted plans to develop a competing project, including a day care center, on property directly across the street from Procurement’s properties and adjacent to Defendant Gurpreet Ahuja’s home; indeed, upon learning that Procurement had obtained letters of intent from prospective tenants, Ahuja Holdings approached those same prospective tenants with competing offers to use Ahuja Holdings’ property instead.

3. On April 19, 2010, Procurement filed an Application for Special Exception ("Application 211-19") and an Application for Architectural/Site Plan Approval and/or Requested Uses ("Application 211-20"; collectively with Application 211-19, the "First Application"). Procurement sought to develop the Property to include a two-story structure to accommodate the use as a day care center for 120 children on its first floor, with nine (9) residential units to be located on the second floor.

4. The Stamford Zoning Board (the "Zoning Board") voted to deny the First Application on the basis that Procurement, as applicant, failed to commit to a use and a plan for a parcel of the property unrelated to the proposed use.

5. On or about January 28, 2011, Procurement appealed the denial of the First Application because the Zoning Board improperly relied upon speculation about future and potential uses of a parcel not included in the actual application before it. See *Procurement, LLC v. City of Stamford Zoning Board*, Docket No. HHD-CV-11-6035946 (the "First Appeal").

6. Notwithstanding the merits of the First Appeal and attempting to compromise, and remove any obstacles to prompt development of the Project, Procurement filed a Second Application on July 28, 2011. The Second Application addressed the use of the entire property for development and sought approval for the construction of two buildings containing a total of twenty-two (22) residential units and the day care center for 120 children.

7. After several sessions of public hearings extending over several months, the Zoning Board voted to approve the Second Application on December 12, 2011.

8. Defendant Gurpreet Ahuja then initiated her first court action in effort to allow Ahuja Holdings to gain a competitive advantage in developing its property by filing an appeal of the Zoning Board's approval of the Second Application. See *Gurpreet Ahuja v. Zoning Board of the City of Stamford, et al*, docket no. HHD-CV-12-6035945-S (the "Second Appeal").

9. The focus of Defendant Gurpreet Ahuja's appeal claimed that the Zoning Board failed to properly provide notice of the continuation of public hearings on the Second Application despite being aware that the principals of Ahuja Holdings were involved in the hearings, the process and attended the public hearings.

10. On January 4, 2013, after receiving testimony and evidence, the court issued a memorandum of decision and judgment dismissing the Second Appeal. Defendant Gurpreet Ahuja then filed a petition for certification with the Appellate Court, which denied the petition.

11. After one year, while the Second Appeal was pending and after the Defendant learned that Procurement and the Zoning Board sought to resolve the First Appeal, Defendant Gurpreet Ahuja filed a motion to intervene in the First Appeal in order to participate in the pending resolution. Shortly thereafter, Ahuja Holdings filed a new application seeking permission to build a competing project that included plans for a day care center operated by a national day care chain.

12. After a hearing, the court denied Defendant Gurpreet Ahuja's motion to intervene in the First Appeal on May 30, 2012, relying primarily on the fact that her motion to intervene was untimely and that her sole intention appeared to be to disrupt the potential settlement.

13. Notwithstanding the order denying intervention, Defendant Gurpreet Ahuja's motion to intervene successfully derailed the proposed settlement of the First Appeal, necessitating a trial on the merits of the Plaintiff's appeal in the First Appeal.

14. Defendant Gurpreet Ahuja then sought review from the Appellate Court by petitioning for certification of the denial of her motion to intervene in the First Appeal in the hopes that she could further delay the trial and a final decision in the First Appeal. The Appellate Court granted the petition on October 24, 2012.

15. Rather than to further delay the proceedings, Procurement moved to provide Defendant Gurpreet Ahuja with the relief she sought in her petition for certification and thus impleaded her as a defendant, which would allow her to participate as she allegedly sought in her own pleadings. Notwithstanding her objection to the motion, the trial court granted the motion and she became a party to the First Appeal on August 21, 2013, thereby mooting the relief she sought in her certification.

16. Defendant Gurpreet Ahuja testified at trial on December 6, 2013, and the court later issued a memorandum of decision on February 14, 2014 in Procurement's favor indicating the Zoning Board "could not deny the [First Application] based upon

speculation about potential issues in the future.” First Appeal, Dkt No. 169.00, Memorandum of Decision at p.7.

17. Following its successful prosecution of the First Appeal, and the successful defense of the Second Appeal filed by Defendant Gurpreet Ahuja, Procurement submitted an application to modify the court-approved plan of development and to reconcile differences in the two approved plans by seeking to add two dwelling units and three parking spaces and include other conditions.

18. The Zoning Board approved the modification on November 17, 2014.

19. Defendant Gurpreet Ahuja again undertook action to delay development of the Plaintiff’s property and to obtain a competitive advantage for Ahuja Holdings by filing yet another appeal of this last approval, entitled *Gurpreet Ahuja v. Zoning Board of the City of Stamford, et al*, Docket No. HHD-CV-15-6024272-S (the “Third Appeal”).

20. Procurement, along with the City of Stamford, moved to dismiss the Third Appeal on March 27, 2015 on the grounds of improper return of service.

21. The court granted the motion to dismiss the Third Appeal in Procurement’s favor on July 6, 2015.

22. The First Appeal, the Second Appeal and the Third Appeal each and all terminated in Procurement’s favor.

23. Each and all of her actions set forth in the First Appeal, Second Appeal and Third Appeal were part of the scheme, *inter alia*, to provide Ahuja Holdings with a competitive advantage and to delay or otherwise burden Procurement, and Defendant

Gurpreet Ahuja commenced or prosecuted, and continued to commence and prosecute her legal actions without probable cause, and with a malicious intent to unjustly vex and trouble Procurement.

24. Procurement necessarily expended in litigating the First Appeal, Second Appeal and Third Appeal a much larger sum than the costs in that suit, in addition to other damages and carrying costs for the property including borrowing costs, taxes and loss of income from rental properties.

25. As a consequence of Defendant Gurpreet Ahuja's wrongful initiation and malicious prosecution of these objectively baseless actions, Procurement suffered damages.

SECOND COUNT: Vexatious Litigation under Section 52-568 of the General Statutes against Gurpreet Ahuja

1-25. Procurement repeats and incorporates by reference herein Paragraphs 1 through 25 of the First Count as Paragraphs 1 through 25 of the Second Count.

26. Pursuant to Conn. Gen. Stat. § 52-568, Procurement is entitled to double damages because Defendant Gurpreet Ahuja instituted and/or prosecuted these objectively baseless actions without probable cause.

27. Pursuant to Conn. Gen. Stat. § 52-568, Procurement is entitled to treble damages because Defendant Gurpreet Ahuja instituted and/or prosecuted these objectively baseless actions with malicious intent.

THIRD COUNT: Abuse of Legal Process against Gurpreet Ahuja

1-25. Procurement repeats and incorporates by reference herein Paragraphs 1 through 25 of the First Count as Paragraphs 1 through 25 of the Third Count.

26. As part of an improper strategy to obstruct or delay the Project, Defendant Gurpreet Ahuja filed appeals and other documents in virtually every one of the numerous administrative and legal proceedings that have been held as a part of the approval process and has otherwise attempted to delay the regulatory approval process.

27. Also, as part of the improper strategy to obstruct or delay the construction of the Project, and to provide a competitive advantage to Ahuja Holdings, Defendant Gurpreet Ahuja instituted various lawsuits and appeals concerning the proposed development.

28. By the actions as set forth above, Defendant Gurpreet Ahuja abused the legal process to accomplish a result that could not be achieved by the successful and proper use of such process. Defendant Gurpreet Ahuja engaged in such misconduct, which was outside the normal contemplation of litigation and legal processes, for the purpose of causing specific, substantial injury to Procurement.

29. As a consequence of Defendant Gurpreet Ahuja's abuse of the legal process, Procurement suffered damages.

FOURTH COUNT: Violation of CUTPA against Gurpreet Ahuja

1-29. Procurement repeats and incorporates by reference herein Paragraphs 1 through 29 of the Third Count as Paragraphs 1 through 29 of the Fourth Count.

30. The above activities undertaken by Defendant Gurpreet Ahuja constitute violations of the Connecticut Unfair Trade Practices Act , C.G.S. Section 42a 110 et seq., which have caused damages to the Plaintiff.

FIFTH COUNT: Aiding and Abetting against Ahuja Holdings, LLC

1-29. Procurement repeats and incorporates by reference herein Paragraphs 1 through 29 of the Third Count as Paragraphs 1 through 29 of the Fifth Count.

30. Ahuja Holdings is a limited liability company organized under the laws of the state of Connecticut and having a principal place of business at 825 High Ridge Road, Stamford, Connecticut.

31. Ahuja Holdings aided and abetted Defendant Gurpreet Ahuja in committing the aforementioned torts and wrongful acts. Indeed, the only times Defendant Gurpreet Ahuja personally participated in the litigation was when she had to do so because she was a witness in the litigation; otherwise, Ahuja Holdings participated in all pretrial conferences, scheduling conferences and other proceedings and controlled the litigation on her behalf.

32. Ahuja Holdings was generally aware of its role in the aforementioned torts and wrongful acts at the time it provided the assistance to Defendant Gurpreet Ahuja.

33. Ahuja Holdings knowingly and substantially assisted Defendant Gurpreet Ahuja in committing the aforementioned torts and wrongful acts.

34. As a result of Ahuja Holding's actions, Plaintiff has suffered damages.

SIXTH COUNT: Violation of CUTPA Against Ahuja Holdings, LLC

1-34. Procurement repeats and incorporates by reference herein Paragraphs 1 through 34 of the Fifth Count as Paragraphs 1 through 34 of the Sixth Count.

35. The above activities undertaken by Defendant Ahuja Holdings constitute violations of the Connecticut Unfair Trade Practices Act, C.G.S. Section 42a 110 *et seq.* which have caused damages to the Plaintiff.

WHEREFORE, the Plaintiff claims relief as follows:

1. the Court enter judgment against Defendants;
2. the amount of damages awarded for vexatious litigation be doubled pursuant to Conn. Gen. Stat. § 52-568;
3. the amount of damages awarded pursuant to Conn. Gen. Stat. Section 52-568 be trebled as a result of Defendant Gurpreet Ahuja's malicious initiation and prosecution of vexatious litigation;
4. the Court award Plaintiff its attorneys' fees and costs;
5. the Court award Plaintiff punitive damages;
6. the Court award Plaintiff all applicable interest; and
7. the Court grant such other and further relief as it deems just and proper.

PLAINTIFF,
PROCUREMENT, LLC

By _____
Eliot B. Gersten, Esq.
Jonathan A. Kaplan, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103
Phone (860) 424-4365
Fax (860) 424-4370
Juris No.: 409177
Its Attorneys

RETURN DATE: : SUPERIOR COURT
PROCUREMENT, LLC : JUDICIAL DISTRICT OF
VS. : FAIRFIELD
GURPREET AHUJA : AT BRIDGEPORT
AND AHUJA HOLDINGS, LLC : FEBRUARY 3, 2016

STATEMENT OF AMOUNT IN DEMAND

The amount in demand in the above-captioned action is greater than \$15,000.00,
exclusive of interest, and costs.

PLAINTIFF,
PROCUREMENT, LLC

By: _____
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